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Attorneys for Plaintiff

Abigail Liebowitz and Ira Liebowitz
on behalf of N. Liebowitz, a minor
Plaintiffs

Vs.

Change Academy Lake of Ozarks
(CALO), Embark Behavioral Health,
John Does 1-10, Jane Does 1-10 and
ABC Corp. 1-10

Defendants

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Docket No.:

CIVIL ACTION

COMPLAINT

Plaintiffs, Abigail Liebowitz and Ira Liebowitz, residing at 149 Merrison Street in Teaneck, New Jersey, by way of Complaint hereby say:

FIRST COUNT

1. The minor Plaintiff, Nessa Liebowitz (herein after N. Liebowitz), is the daughter of Abigail Liebowitz and Ira Liebowitz. N. Liebowitz is legally 13 years old; however, it is believed that her true biological age is 14, or possibly 15. N. Liebowitz was born in rural Ethiopia and lived with her parents under circumstances of extreme poverty and food deprivation. After 3 to 5 years, her biological father died, and her mother gave her to an orphanage. In December of 2009, after approximately 8 months in the orphanage, she was adopted by the Liebowitz family and has resided in New Jersey since then.

2. N. Liebowitz is a special needs child that requires a significant of degree of specialized care, therapy and education.
3. In order to provide the requisite care, Abigail and Ira Liebowitz engaged the Change Academy Lake of Ozarks (herein after CALO) for residential services, therapy and education, for N. Liebowitz at CALO's location of 130 Calo Lane in Lake Ozark, MO 65049.
4. CALO is a subsidiary and/or otherwise an agent of Embark Behavioral Health which has its principal place of business located at 2177 E Warner Rd Suite 101, Tempe, AZ 85284.
5. N. Liebowitz became a resident and student at CALO under its care at its Lake Ozark location.
6. Thereafter, a dispute over payment for N. Liebowitz arose between the Liebowitz family and the Town of Teaneck Board Education. The dispute gave rise to litigation in the Office of Administrative Courts of New Jersey under Docket Number: EDS 06728-2020 N.
7. On or about March 15, 2021, CALO received a subpoena as to records of N. Liebowitz. Upon receipt of the subpoena, without contacting the Plaintiffs to inform them of the event, CALO responded by providing even more records than had been requested.
8. The Plaintiffs were deprived their right to object the release of the personal information.
9. Without notice to the family, N. Liebowitz's personal health information was improperly disseminated by CALO resulting in damages to the Plaintiffs.

10. At no point in time did the Plaintiff authorize the disclosure of the personal health information that was released by CALO. The information released by CALO included personal medical information.
11. The unauthorized release of the Plaintiff's confidential health information was a violation of Health Insurance Portability and Accountability Act (HIPAA)

WHEREFORE, Plaintiffs demand judgment against the Defendants, for damages, statutory damages, punitive damages, interest, costs of suit, and any such other relief that may be deemed necessary by the Court.

DEMAND FOR TRIAL BY JURY

Plaintiffs hereby demand a trial by jury as to all issues raised in this Complaint.

DESIGNATION OF TRIAL COUNSEL

F. R. "Chip" Dunne, III, Esq., is hereby designated as trial counsel on behalf of the Plaintiffs.

DUNNE, DUNNE & COHEN, LLC

Chip Dunne

F.R. "CHIP" DUNNE, III, ESQ.

CERTIFICATION

This is to certify that, to the best of our knowledge, this matter is not subject of any other action pending in any court or arbitration proceeding and none is contemplated.

DUNNE, DUNNE & COHEN, LLC

Chip Dunne

F.R. "CHIP" DUNNE, III, ESQ.